

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 3:07-CR-331-G
	§	ECF
JOSE ANTONIO LOPEZ-AGUIRRE (07)	§	
a.k.a. "Pichi"	§	
a.k.a. "Gordo"	§	

FACTUAL RESUME

**SUPERSEDING
INDICTMENT:**

Count 1 - 21 U.S.C. § 846, conspiracy to distribute and possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

PENALTY:

A term of imprisonment of not less than ten (10) years and not more than Life and/or a fine not to exceed \$4,000,000 or twice the pecuniary gain to the defendant or loss to the victim(s). A mandatory special assessment of \$100.

A term of supervised release of not less than five (5) years. If the defendant violates any condition of supervised release, the defendant could be imprisoned for the entire term of supervised release.

Upon conviction of an offense involving distribution of a controlled substance, the defendant is, in the discretion of the Court, subject to denial of any or all "federal benefits" as defined in 21 U.S.C. § 862(d), for a period of up to five years. Further, pursuant to 18 U.S.C. § 3663(c)(1) the Court may order "community restitution."

The Court may order the defendant to pay costs of incarceration and supervision.

**ELEMENTS OF
THE OFFENSE:**

In order to establish the crime of conspiracy to distribute and possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. § 846, as set out in the superseding indictment, the Government must prove the following elements beyond a reasonable doubt:

First: That the defendant and another person reached an agreement to distribute and possess with intent to distribute cocaine;

Second: That the defendant knew of the unlawful purpose of the agreement;

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose; and

Fourth: That the overall scope of the conspiracy involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine.

STIPULATED FACTS:

On or about May 1, 2006, continuing through November 15, 2007, in the Dallas Division of the Northern District of Texas, Jose Antonio Lopez-Aguirre, a.k.a. "Pichi" a.k.a. "Gordo," was involved in a conspiracy to distribute more than five kilograms of cocaine. Lopez-Aguirre, along with Hector Chavarria, Jose Hernandez-Contreras, Juan Garza Martinez, Raul Gerardo Zertuche III, Daniel Tristan-Chapa, Juan Martin Lopez, Tony Tito Torres, Javier Lopez, Gabriel Torres-Sanchez, Hector Mendoza Hernandez, Gerardo Antonio Gomez, Manuel Silva, Tiburcio Leija and others, was involved in the conspiracy to distribute cocaine in Dallas, Texas, and elsewhere.

During the course of the investigation into the drug conspiracy, agents with the Drug Enforcement Administration (DEA) intercepted numerous telephone conversations

involving various members of the organization, including Lopez-Aguirre, discussing the distribution of cocaine and the collection of money from the sale of cocaine. Lopez-Aguirre's responsibilities within the organization included receiving cocaine shipments from Mexico, distributing cocaine to various customers, collecting money from the sale of cocaine, and preparing/packaging drug money to be transported to Mexico. On behalf of the organization, Lopez-Aguirre utilized a residence located at 1806 Post Oak Lane, Carrollton, Texas, as a "stash" house for the storage and distribution of cocaine and the collection of drug proceeds.

On or about October 4, 2007, the Denton County Sheriff's Office, in conjunction with the DEA, executed search warrants for the residence and vehicles located at 1806 Post Oak Lane, Carrollton, Texas. Upon execution of the search warrants, agents seized approximately 180 kilograms of cocaine, \$1,488,950 in U.S. currency, money counters, drug ledgers, drug and money packaging materials, bullet-proof vests, assorted rounds of .380, 9 mm, .223, and 7.62 x 39 mm caliber ammunition, and numerous firearms, including: a Hi Point .380 caliber pistol, model CF380, SN 840061W, a Sig Sauer 9 mm caliber pistol, model P239, SN SA31206, a SWD 9 mm caliber pistol, model Cobray M-11, SN 89-0067491, a Browning .380 caliber pistol, model BDA380, SN 425PY17241, a Keltec .380 caliber pistol, model P3AT380, SN JGH69, a Rock River Arms 5.56 mm caliber rifle, model LAR-15, SN CM91558, a Saigi 7.62 x 39 mm caliber

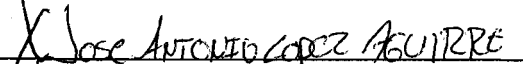
rifle, model unknown, SN 1061420, and an Unknown manufacturer 7.62 x 39 mm caliber rifle, model unknown, SN DS8477.

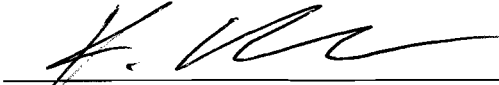
Lopez-Aguirre admits that the 180 kilograms of cocaine seized during the execution of the search warrants on October 4, 2007, was intended to be distributed by Lopez-Aguirre and other members of the organization during and as part of the drug conspiracy alleged in Count One of the indictment. Lopez-Aguirre also admits that the above-referenced firearms and ammunition seized on October 4, 2007, were used to protect the drugs and drug-proceeds and intended to be used to facilitate the drug conspiracy as alleged in Count One of the indictment. Lopez-Aguirre further admits that the above-referenced \$1,488,950 in U.S. currency seized on October 4, 2007, was proceeds of the drug conspiracy as alleged in Count One of the indictment.


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Lopez-Aguirre admits to participating in the distribution of at least 180 kilograms of cocaine during the time frame of the conspiracy in the indictment.

SIGNED on this 13 day of May, 2008.


JOSE ANTONIO LOPEZ-AGUIRRE
Defendant


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